



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-42

Legistar #: 20111105

Board of Zoning Appeals Hearing: Monday, December 19, 2011 – 6:00 p.m.

Applicant/Property Owner: **Russell Smith**  
**391 Cascade Drive**  
**Marietta, GA 30064**

Address: 391 Cascade Drive

Land Lot: 11560 District: 16 Parcel: 0620

Council Ward: 4 Existing Zoning: R-4 (Single Family Residential 4 units/acre)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to reduce the side yard setback from 10' to 0.' [Section 708.04 (H)]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

### **Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**391 Cascade Drive**



**Existing carport**



**Neighbors' Carport**

**Recommended Action:**

**Approval.** Russell Smith, owner, is requesting a reduction in the side yard setback for his property at 391 Cascade Drive for the purpose of constructing a new carport. The subject property and all surrounding properties are zoned R-4 (Single Family Residential – 4 units/ acre) and contain single family detached homes.

The existing flat, aluminum carport lies approximately one foot away from the eastern property line and was damaged by a falling tree limb earlier this year. Rather than repair the old carport, the applicant would like to replace the carport with a new structure in the same location as the old. However, the applicant intends on rebuilding the carport so that the roof is integrated and shingled to match the roofline of the existing home. A similar carport was built across the street from the subject property; a photo is shown above. Reducing the setback to 0' would allow the placement of a new carport in the same location as the old carport.

The Marietta Fire Department has reviewed the request and has no comment; the applicant will not be expected to sprinkler the new structure should the variance be approved.

Additionally, the placement of the new carport should not negatively impact the neighbor to the east, as their home is setback further from the road, or the public health, safety, or general welfare of the community. As a result, staff recommends approval of this variance request.